G. R. S. 58]

Previous references.

1897-98.

~~19~~

(Cooks)

File No. 1-97

Serial Nos. 1-3

Later references.

1102-23(6-9)

918

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

In ~~Part~~ B for June 98

SUBJECT.

Execution in Mysore of processes issued by Magistrates in the Dt of Nuggur in Criminal Breach of Contract Cases

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Indexed

G

GPB—5,000—22-10-10

Countersigned

[illegible]

[illegible] relating to the [illegible] of processes under Act 13 of 1859 — [illegible] Bracelet and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

30/5/9[illegible]

Refers are not complete. Where is the correspondence which led to the Resident's report to the N. Afgin's District- Magte of Jan 10 Feb 1890 communicating suggestions for the prevention of delays in executing process. Put up draft please

2/6/90

Refers read from the Ft Officer's order Book (Officer see papers marked)

A. Bid
5/6/90

Note (2)

The suggestions ~~stated~~ embodied in the Resident's Reply No 307/5350 dt. 6-2-90 of the Nilgiris Dt. magte were put forth by certain Dt. magtes of this State when submitting explanations for alleged delays in executing processes [Vide papers in file A, and particularly letter to Res.y No 1229-537 dt 31-1-90]

The proposal now made is that the existing practice under which process have to be sent direct to District-magistrates in Mysore by post-only Taluk magistrates may be so far modified as to admit of warrants being delivered direct to "Sub magistrates" [etc.] by masters

The ground on which delivery to Dt. magte was recommended seems to be that it is easier to make certain of the District than of the Taluk in which the village where the accused is is situated

The consideration does not seem to be applicable to cases where the process is sent not by post, but by the hands of a master who is presumably well-acquainted with the accused person's whereabouts

If approved, the Resident may be informed that there is no objection to the proposal made; and the modification of the existing practice may be communicated to Dt. magtes.

Subt to check

11/6/90

9/6/90

5V

3 Pol 1344 f 14 31

1898 7928

10-5-98

From

The First Assistant to the Resident in Mysore.

To

The Dewan of Mysore.

Coorgs 1-97

Dated 9 5 98

Despatched

Received " — "

General No. 2360

No.

Enclosure No. 2

Forwarding for the Views of the Durbar copy of letter from the Dc Supt of the Nilgiris regarding the execution in Mysore of processes issued by Magistrates in the Nilgiris Dc

J

References to be marked.

J. F. No. 66 of 1892 further

cng 13/5/98

No. 2360 Ln 2 (1)

Read 16/5/7

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

9 5 98 15 79

TO

The Dewan of Mysore.

Dated Bangalore, 9 May *1898.*

SIR,

I am directed to forward for favour of the views of the Durbar a copy of letter No. 84 dated the 20th ultimo, from the District Magistrate of the Nilgiris and of its enclosure regarding the execution in Mysore of processes issued by the Magistrates in the district of Nilgiris

2 A copy of this office letter No. 387-535 of the 10th February 1890, quoted in the District Magistrate's letter

4

enclosed for information.

I have the honour to be,

Sir

Your most obedient servant.

K. D Erskine

First Assistant Resident.

HP

Letter No- 84, dated 20th A
from the District Magistrate, the Nilgiri
the First Assistant to the Resident in Mys
Bangalore. 1/a

Referring to the correspondence ending with your letter No: 387/5359 dated 10th February 1890 I have the honor to forward a copy of letter No: 64 dated 7th February 1898 from the Head-Assistant Magistrate of the District and to request that you will be so good as to inform me if the Mysore Government have any objection to the proposals made by him being given effect to.

Letter No: 64/98m, dated 7th February 1898 from the Ag. Head Assistant Magistrate, the Nilgiris to the District Magistrate the Nilgiris.

As many complaints have been made of the difficulty which arises in serving processes in Criminal, Breach

tract cases, under the present proce
of sending the warrants by post,
those reverting to the old practice of
vering warrants in sealed covers, into
hands of the complainants for pre-
sentation to the magistrates within whose
jurisdiction the accused resides. This
would be done subject to the condition
that the warrants are presented for
execution or returned to the court of
issue within a specified number of
days from the date of delivery. In
case of breach of this condition the
privilege will be withdrawn

2 In the case of Import however
it will be necessary under the orders
of the District Magistrate of the Nilgiris,
dated 21st February 1890, in 209 that
warrants should be presented to Distri
Magistrates in Import To this procedure,
it is objected that the whole good of deli-
vering warrants to mistries will thereby
be nullified The object of sending men with

the warrants is two-fold, (1) to point out accused, (2) to watch an opportune mom when the accused is within the Sub Ma- -trates' Jurisdiction, for presenting the w- -rant When warrants are presented to D- -trict Magistrates, they are, I understa- not executed through their offices, but a- forwarded to Sub Magistrates by post for execution.

The masters thus cannot make sure of the accused being in his village, when the warrants are taken for service, and the result will be the trite endorsement The accused is reported to be absent from the village.

3. The procedure of sending processes to the District Magistrates was only one of several suggestions submitte by the Empore Government for the con- -sideration of the District Magistrate of the Nilgiris (vide As- -stant Resident's letter No: $\frac{387}{C\ 359}$ dated 10th February 1890) It was intended to facilitate the service

ases but they so far as I can judge
s failed to do

I have therefor the honor
equest that if you see no objection the
der may be modified to admit of war-
ants being delivered to the Sub Magistrates
irect Early orders are solicited.

Copy

Henry Clarke

Registrar

8-N.

Letter No. 387/5359, dated 10th February 1890, from the First Assistant to the Resident in Mysore to the District Magistrate, Bulgaum.

1/6

In continuation of this office No: 55/5359 dated 11-1-90 regarding the delay on the part of the courts in Mysore in executing processes sent to them by magistrates in your district I am directed to say that the following suggestions have been made by the Mysore Durbar to prevent such delay in future

(1) that great care be taken in giving correctly the names of persons and villages concerned,

(2) that magistrates subordinate to you should send their processes direct to the District Magistrates by post or by mastries whichever is more convenient instead of sending them to the Taluk Magistrates This procedure is

is followed by the magistrates in Coorg because it is easier to make certain of the District than of the Taluq in which any particular village is situated.

(3) That the address of the magistrate issuing such processes be legibly given as it not unfrequently happens that owing to the want of this the processes are re-turned to the wrong court.

(4) That special care be taken to ascertain the court in whose jurisdic-tion the person or place concerned may be.

2. I am to submit these suggestions for your consideration and to express a hope that now that the matter has been enquired into such delays will not often occur again

Reas. 11 (3)

Letter No. 2360 of 11th Aug. 1898 from the First Assistant to the Resident in Mysore forwarding for the opinion of the Durbar copies of certain correspondence on the subject of the execution in Mysore of processes issued by Magistrates in the District of Bulgaum in criminal breach of Contract cases

Courts 1-97 2

Order thereon. No. 164/23-31 & 1640 & 16-6-9

As it is easier to make sure of the District than of the Taluk containing the village where an accused person is to be found, the practice as regards the execution of processes in Criminal Breach of Contract cases has

has hitherto been for the Magistrates in the Nilgiri District to send such Processes direct to the District Magistrates in the Mysore State either by post or by runners, instead of to Taluk Magistrates

2. Where however the process is not sent by post but is given into the hands of a man well acquainted with the whereabouts of the accused Government are of opinion that the same necessity does not exist for adhering to the above course and that it would facilitate the service of processes if they were allowed to be sent direct to Taluk Magistrates in Mysore in cases where the

the maistries themselves are employed to deliver them the existing practice will therefore be modified accordingly

10/6/92

11-6-92

Secretary

I The District Magistracies (Registrar of the Civil Courts) the Chief Court in Lucknow

Issued quickly

11/6/92

To 14.d. Vs (4

The First Asstt to the
Resdt in Mysore

No: 16412 / 1641 dt 15-6-98

Courts
1-97
3

Sir

I am directed to acknowledge the receipt of your letter no 2360 of the 9th May 1898, forwarding for the opinion of the darbar copies of certain correspondence on the subject of the execution in Mysore of processes issued by Magts in the district of Nilgiris in Criminal Breach of Contract cases

In reply I am to state that the transmission of process direct to district Magts was recommended in such cases on the ground of the frequent facility that it was easier to make sure of the district Court of the Taluk containing the village where the accused person was to be found Where however, the process is not sent by post but is given into the hands of a Mamlatdar who is well-acquainted with the whereabouts of the accused there does not appear to be the same necessity for adhering to this course & the darbar have therefore

Therefore no objection to the existing practice being modified so as to allow of processes being ~~forwarded~~ sent direct to Tahiti Magistrals in cases where the Maistris themselves are employed to deliver them ~~A copy of the order is~~ The necessary orders have been issued to Dr Hagtes, and a copy of the same is forwarded for information.

I have the honour

Sir
Your obedient
Servant

11-6-94

16/6/94.

16/6/94

Approved 11/6/1894

4 (3)

Proceedings of the Government of Mysore, Judicial, dated 15th June 1898.

READ :—

Letter No. 2360, dated the 9th May 1898, from the First Assistant to the Resident in Mysore forwarding for the opinion of the Durbar copies of certain correspondence on the subject of the execution in Mysore of processes issued by Magistrates in the district of Niligiris in criminal breach of contract cases.

No. 16423-31—J. 1640, DATED BANGALORE, 15TH JUNE 1898.

ORDER THEREON.—As it is easier to make sure of the district than of the taluk containing the village where an accused person is to be found, the practice as regards the execution of processes in criminal breach of contract cases has hitherto been for the Magistrates in the Niligiri district to send such processes direct to the District Magistrates in the Mysore State either by post or by maistries, instead of to Taluk Magistrates.

2. Where, however, the process is not sent by post, but is given into the hands of a maistry, well acquainted with the whereabouts of the accused, Government are of opinion that the same necessity does not exist for adhering to the above course; and that it would facilitate the service of processes if they were allowed to be sent direct to Taluk Magistrates in Mysore in cases where the maistries themselves are employed to deliver them. The existing practice will therefore be modified accordingly.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrates in Mysore.
The Registrar, Chief Court of Mysore, for information.

Exd.—H.A.R.

1897-98

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 15*th June* 1898

No. 16423-31 / J. 1640

Passing orders on the subject of the execution in Mysore of processes issued by Magistrates in the district of Niligiris in criminal breach of contract cases.

M G C P B—18-6-98—350